

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the present amendment, claims 16, 17, 21 and 23 have been amended by replacing "deriving" and "derive" with "formed" and "are formed", respectively. Claims 20 and 29 have been amended to correct typographical errors.

In the Official Action, claims 16-29, 31 and 32 stand rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth at page 3 of the Official Action. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 16 recites a tagged scale-inhibiting polymer comprising scale inhibiting structural units and tagging structural units, wherein the tagging units comprise units formed from a monomer having the formula $X_2C=CY Y'$. Claim 16 defines structure of the polymer by referring to a monomer used to form such polymer. Respectfully, defining polymer structure by referring to a monomer used to form the polymer, is not improper. The meaning of such phrase is not unclear.

"The Examiner's focus during examination of claims . . . is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." M.P.E.P. §2173.02. In the present case, claim 16 meets the threshold requirements of clarity and precision and as such, withdrawal of the §112, second paragraph, rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If

there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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